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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,568	04/05/2001	Masood Garahi	ODS-28	6408

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NEW YORK, NY 10020-1105

EXAMINER	
NGUYEN, KIM T	
ART UNIT	**PAPER NUMBER**
3713	18

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/827,568	GARAHI ET AL.	
	Examiner	Art Unit	
	Kim Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on November 26, 2003 (paper No. 9) has been received and considered. By this amendment, claims 34-48 have been added and claims 1-48 are now pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US. Patent No. 6,110,041).

a. As per claim 1-2, 5-9, and 13-16, Walker discloses a method for providing wagering interface. The method comprises configuring and storing a first wagering interface on a first wagering platform (col. 4, lines 66-67; col. 5, lines 1-16; col. 7, lines 47-65; and col. 8, lines 23-39 and 7-26). Walker does not explicitly disclose displaying a second wagering interface on a second platform and the second platform is different than the first platform. However, Walker discloses allowing the player to obtain the same configuration in the second platform with the configuration set in the first platform and the capability of displaying preference options and different game machines with different types of games can be connected to the same network

(col. 9, lines 15-35; col. 2, lines 13-18; col. 7, lines 64-67; and col. 8, lines 1-39). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the wagering configuration on the second game machine that is different type with first game machine in order to allow the player to retain the same the configuration the player selects on the first platform.

b. As per claim 3, wagering on a sport game would have been well known to a person of ordinary skill in the art at the time the invention was made.

c. As per claim 4, since Walker discloses allowing the player to adjust a skill level configuration (col. 5, lines 19-22), and Walker discloses allowing the player to set different type of preferences (col. 5, lines 14-16), it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the player to select different player type in order to maintain the interest of the player.

d. As per claim 10-12, Walker discloses providing the database in a subscriber management system (Fig. 2, and col. 4, lines 25-30). Further, providing a database in a datahub or in a game platform would have been well known.

e. As per claim 17-20, Walker discloses applying the configuration in different environments (col. 9, lines 27-35). Further, set-top box, computer, cellular phone, or a telephone would have been well known devices that allow the player to play game on the devices.

f. As per claim 21-33, refer to discussion in claims 2, 6, 8-13, and 17-20 above.

g. As per claim 34-48, refer to discussion in claims 1-15 above.

Response to Arguments

1. Applicant's arguments filed November 26, 2003 have been fully considered but they are not persuasive.

a) In response to applicant's argument in page 16, last paragraph, and page 17, first and second paragraphs, Walker does not explicitly teach that the second type of wagering platform is different than the first type of wagering platform. However, since in col. 9, lines 15-35, Walker suggests that the preference data can be used in different game machines of different environment and different type of games, Walker obviously includes using the preference data on different wagering platforms.

2. In response to applicant's argument in page 17, last paragraph, and page 18, applicant's argument that there is no suggestion to modify the reference, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so is within the knowledge generally available to one of ordinary skill in the art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA Second Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:3OAM to 5:OOPM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: February 21, 2004